

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, February 6, 2017**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, February 6, 2017 at Ladue City Hall.

The following members of the board were present:

Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh
Mr. Lee Rottmann

Also present were: Mr. William Penney, building Official; Ms. Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Mayor Nancy Spewak was also in attendance.

Ms. Forshaw called the meeting to order at 4:00 p.m.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1221**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by DRA Properties, L.L.C. regarding an application to build a stealth tower, designed to resemble a pine tree, at 9810 S. Outer Forty Road in the D Residential Zoning District. Applicant is requesting relief from the City Planner's decision that the tower is not in compliance with the following zoning regulations in the Ladue Zoning Ordinance #1175:

- Stealth tower must not exceed 80 feet in height. (Section VII – F(5)(a))
- In a Residential Zoning District, stealth towers shall only be installed on a lot that is occupied by a church, school, private club or cemetery. (Section VII – F(5)(j))
- Stealth tower shall not exceed the height of surrounding trees by more than five (5) feet. (Section VII – F(5)(i))
- Stealth tower plans show an 8' vinyl fence. This is a material not generally allowed for fencing. (Section IV – C(12))

The hearing will be held at 4:00 p.m. on Monday, February 6th, 2017, at Ladue City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Zoning Board of Adjustment could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Stanley Walch, Chairman
Zoning Board of Adjustment

Ms. Forshaw asked City Planner Andrea Sukanek for an explanation with regard to the denial of the application. Ms. Sukanek stated that the proposed project, which involved a disguised Monopine cellular facility, requires a special use permit which has been presented to the Zoning & Planning Commission. The Commission continued the Special Use Permit application until the required variances are obtained through the Zoning Board of Adjustment. Ms. Sukanek explained that there are several variances needed as outlined in the public notice including the height of the tower, the height differential between the top of the pole and the surrounding trees, the material of the proposed fence, and the requirement for where cellular facilities in residential zoning districts can be located.

Ms. Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended
- Exhibit B – Public Notice of the Hearing
- Exhibit C – Permit denial dated October 21, 2016
- Exhibit D – List of residents sent notice of the meeting
- Exhibit E – Letter from the resident requesting the variance dated November 7, 2016
- Exhibit F – Entire file related to the application
- Exhibit G – Photos of the mulch site.

The court reporter administered the oath to Mr. Doug Dolan, developer. He provided an overview of the proposed project which involves construction of an evergreen tree disguised cellular facility, also known as a Monopine. He noted there are constraints on the property such as sewer easements that dictated where on the property the proposed facility can be located. He noted that the height of the tower needs to be taller than the surrounding trees for optimum cellular service and signal.

Ms. Forshaw asked for confirmation about ownership of Edie's mulch site property and Mr. Dolan noted that the City of Ladue owns the property.

Mr. Welsh asked about cell coverage in the area. Mr. Dolan noted that although there are nearby cellular facilities, they are much lower and thus not as effective as the proposed facility. He added that this facility will improve coverage for the residents of Ladue.

Mr. Rottmann inquired about vendors and Mr. Dolan explained that Verizon, T-Mobile, Sprint, and AT&T are the four vendors in St. Louis. Mr. Dolan stated that he is currently working with Verizon and Sprint for this particular facility.

Ms. Forshaw inquired about the vinyl fence material. Ms. Sukanek noted that this type of fence was approved for the monopine project at the Village Lutheran church project.

Ms. Maya Kefalov, 39 Godwin Lane, came forward and asked whether there were residential properties nearby. She asked about the coverage zone and Mr. Dolan stated that it is approximately one-quarter mile. Ms. Kefalov asked how the height of the tower impacts coverage and Mr. Dolan noted that this is highly technical, but generally speaking the taller the facility, the better the coverage. Ms. Kefalov added that she is not in favor of a vinyl fence in the City of Ladue.

Mr. William Kersh, 4 Winding Brook Lane, expressed concerns about his property being impacted by the Godwin entrance and it was clarified that the request before the City is for 9810 South Outer 40, Edie's Mulch Site, which is owned by the City.

The public comment period ended.

Mr. Welsh noted that it is difficult to construct a cellular facility while conforming to the requirements outlined in the zoning ordinance. He noted that this location is ideal for a cellular facility expansion.

Ms. Forshaw noted that it is common knowledge that there is a public need for good functioning cellular service. She noted that it is hard to imagine a better site and there are no homes in the immediate vicinity of the proposed facility. Mr. Rottmann concurred with Ms. Forshaw.

Ms. Panke moved that based on the evidence presented, a practical difficulty exists and the decision of the City Planner be reversed, and that the four variances as outlined in the public notice be granted to construct the stealth tower on the site plan dated September 30, 2016. Mr. Rottmann seconded the motion. Ms. Forshaw called for a vote with regard to these four variance requests and the vote thereupon was as follows:

Ms. Liza Forshaw	"Approve"
Ms. Laura Long	"Approve"
Ms. Elizabeth Panke	"Approve"
Mr. Daniel Welsh	"Approve"
Mr. Lee Rottmann	"Approve"

There were five (5) votes to approve and zero (0) vote to deny and therefore the four variances were granted.

DATE OF HEARING

February 6, 2017

DESCRIPTION OF PROPERTY

9810 South Outer Forty Road

CAUSE FOR APPEAL

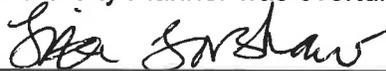
Relief from the ruling of the City Planner denying a permit for stealth tower at 9810 S. Outer Forty Road in the D Residential Zoning District that does not meeting the following requirements in Ladue Zoning Ordinance #1175:

- Stealth tower must not exceed 80 feet in height. (Section VII – F(5)(a))
- In a Residential Zoning District, stealth towers shall only be installed on a lot that is occupied by a church, school, private club or cemetery. (Section VII – F(5)(j))
- Stealth tower shall not exceed the height of surrounding trees by more than five (5) feet. (Section VII – F(5)(i))
- Stealth tower plans show an 8' vinyl fence. This is a material not generally allowed for fencing. (Section IV – C(12))

RULING OF THE BOARD

After a discussion of the facts presented, the board approved the variances for the stealth tower, designed to resemble a pine tree, at 9810 S. Outer Forty Road in the D Residential Zoning District and granted the following variances to Ladue Zoning Ordinance #1175:

- Stealth tower must not exceed 80 feet in height. (Section VII – F(5)(a))
- In a Residential Zoning District, stealth towers shall only be installed on a lot that is occupied by a church, school, private club or cemetery. (Section VII – F(5)(j))
- Stealth tower shall not exceed the height of surrounding trees by more than five (5) feet. (Section VII – F(5)(i))
- Stealth tower plans show an 8' vinyl fence. This is a material not generally allowed for fencing. (Section IV – C(12)) and the decision of the City Planner was overturned.



Ms. Liza Forshaw, Vice-Chairman.